

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MIGUEL COBO PACHECO, a/k/a
Miguel Pacheco,

Defendant.

No. CR-13-026-LRS-3

ORDER GRANTING MOTION
AND SETTING CONDITIONS
OF RELEASE

☒ Motion Granted
(ECF No. 145)

☐ Action Required

Date of Motion hearing: 06/06/2013

There is no evidence that Defendant is a danger to himself or others. Current assessment and recommendation for intensive outpatient treatment for alcohol dependence.

IT IS ORDERED that the release of the Defendant is subject to the following:

STANDARD CONDITIONS OF RELEASE

- (1) Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any charge, arrest, or contact with law enforcement. Defendant shall not work for the United States government or any federal or state law enforcement agency, unless Defendant first notifies the supervising Pretrial Services Officer in the captioned matter.
- (2) Defendant shall immediately advise the court, defense counsel and the U.S.

Attorney in writing before any change in address and telephone number.

- (3) Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.
- (4) Defendant shall sign and complete A.O. Form 199C before being released and shall reside at the address furnished.
- (5) Defendant shall not possess a firearm, destructive device or other dangerous weapon.
- (6) Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct.
- (7) Defendant shall contact defense counsel at least once a week.
- (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year, to possess, ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
- (9) Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- (10) Surrender any passport to Pretrial Services and shall not apply for a new passport.

BOND

- (11) Defendant shall:
☐ Execute an unsecured appearance bond in the amount of _____ **dollars**
(\$_____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☐ Execute an unsecured appearance bond, to be co-signed by _____, in the amount of _____ **dollars** (\$_____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☒ Execute: ☒ \$75,000.00 corporate surety bond
☐ \$_____ property bond
☐ \$_____ cash bond
OR
☒ \$75,000.00 percentage bond, with
\$7,000.00 paid in cash

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the Defendant and the safety of other persons and the community:

IT IS FURTHER ORDERED that the release of the Defendant is subject to the following additional conditions:

☐ (12) The Defendant is placed with:

Name of person or organization

who agrees to sign a copy of this Order, **to be kept in Pretrial Services' file**; supervise the Defendant consistent with all the conditions of release; use every effort to assure the appearance of the Defendant at all scheduled court proceedings; and notify the court immediately in the event the Defendant violates any conditions of release or disappears.

☐ (13) Maintain or actively seek lawful employment.

☐ (14) Maintain or commence an education program.

☒ (15) Defendant shall remain in the:

☒ Eastern District of Washington, or

☐ State of Washington

while the case is pending. On a showing of necessity, and with prior notice by the defense to the assigned Assistant U.S. Attorney, the Defendant may obtain prior written permission to temporarily leave this area from the United States Probation Office.

☐ **Exceptions:** _____

☒ (16) Avoid all contact, direct or indirect, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to:

☒ (17) Avoid all contact, direct or indirect, with:

☐ Known felons ☒ Co-Defendant(s)

☐ (18) Undergo medical or psychiatric treatment and/or remain in an institution as follows:

☒ (19) Refrain from: ☒ any ☐ excessive use of alcohol

☒ (20) There shall be no alcohol in the home where Defendant resides.

☒ (21) There shall be no firearms in the home where Defendant resides.

☐ (22) Except for employment purposes, Defendant shall not have access to the internet, including cell phones with internet access.

☐ (23) Defendant may not be in the presence of minors, unless a responsible, knowledgeable adult is present at all times.

SUBSTANCE ABUSE EVALUATION AND TREATMENT

If Defendant is required to submit to a substance abuse evaluation, inpatient or outpatient treatment, the following shall apply:

Defendant shall complete treatment indicated by an evaluation or recommended by Pretrial Services and shall comply with all rules of a treatment program. Defendant shall be responsible for the cost of testing, evaluation and treatment,

1 unless the United States Probation Office should determine otherwise. The United
 2 States Probation Office shall also determine the time and place of testing and
 3 evaluation and the scope of treatment. If Defendant fails in any way to comply or
 4 cooperate with the requirements and rules of a treatment program, Pretrial Services
 5 shall notify the court and the U.S. Marshal, who will be directed to immediately
 6 arrest the Defendant.

7 ☒ (24) **Substance Abuse Evaluation:** Defendant shall undergo a substance
 8 abuse evaluation:

9 ☒ if directed by a U.S. Probation Officer

10 ☐ as directed by a U.S. Probation Officer

11 ☐ Prior to release, Defendant must have an appointment for a
 12 substance abuse evaluation, and the appointment must be
 13 confirmed to the court by Pretrial Services. Defendant will be
 14 released:

15 ☐ one day prior to; or

16 ☐ on the morning of his appointment

17 ☐ (25) **Inpatient Treatment:** Defendant shall participate in an intensive
 18 inpatient treatment program:

19 ☐ Prior to release, an available bed and date of entry must be
 20 confirmed by Pretrial Services.

21 ☐ Defendant will be released to an agent of the inpatient program
 22 on _____; provided, however, prior to
 23 release Defendant shall execute full, mutual releases. It is
 24 defense counsel's responsibility to timely provide those releases
 25 pre-release to Pretrial Services.

26 ☐ Prior to release from inpatient treatment, an outpatient
 27 treatment program must be presented to the court. If Defendant
 28 does not have a structured outpatient treatment program in
 place prior to conclusion of inpatient treatment, Defendant
 automatically shall go back into the custody of the U.S.
 Marshal. **If Defendant leaves the treatment facility, or is
 terminated from treatment, the treatment facility personnel
 shall immediately notify the U.S. Probation Officer or, if the
 U.S. Probation Officer is unavailable, the U.S. Marshal,
 who shall in turn immediately notify the undersigned.**

☐ Following inpatient treatment, Defendant shall participate in an aftercare program.

☒ **(26) Outpatient Treatment:** Defendant shall participate in intensive outpatient treatment:

☒ Prior to release, an appointment for Defendant's first counseling session must be made and confirmed by Pretrial Services. Defendant will be released:

☒ one day prior to; or

☐ on the morning of his appointment

☒ **(27) Other:** Per the May 2013 assessment, treatment shall be intensive outpatient.

☒ **(28) Prohibited Substance Testing: If random urinalysis testing is not done through a treatment program, random urinalysis testing shall be conducted through Pretrial Services, and shall not exceed six (6) times per month.** Defendant shall submit to any method of testing required by the Pretrial Service Office for determining whether the Defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of prohibited substance testing. Full mutual releases shall be executed to permit communication between the court, Pretrial Services, and the treatment vendor. Treatment shall not interfere with Defendant's court appearances.

HOME CONFINEMENT/ELECTRONIC/GPS MONITORING

☒ **(29)** Defendant shall participate in one or more of the following home confinement program(s):

☒ **Electronic Monitoring:** The Defendant shall participate in a

1 program of electronically monitored home confinement. The
 2 Defendant shall wear, at all times, an electronic monitoring
 3 device under the supervision of U.S. Probation. In the event the
 4 Defendant does not respond to electronic monitoring or cannot
 5 be found, the U.S. Probation Office shall forthwith notify the
 6 United States Marshals' Service, who shall immediately find,
 7 arrest and detain the Defendant. The Defendant shall pay all or
 8 part of the cost of the program based upon ability to pay as
 9 determined by the U.S. Probation Office.

10 OR

11 ☒ **GPS Monitoring:** The Defendant shall participate in a
 12 program of GPS confinement. The Defendant shall wear, at all
 13 times, a GPS device under the supervision of U.S. Probation.
 14 In the event the Defendant does not respond to GPS monitoring
 15 or cannot be found, the U.S. Probation Office shall forthwith
 16 notify the United States Marshals' Service, who shall
 17 immediately find, arrest and detain the Defendant. The
 18 Defendant shall pay all or part of the cost of the program based
 19 upon ability to pay as determined by the U.S. Probation Office.

20 ☐ **Curfew:** Defendant shall be restricted to his/her residence:

- 21 ☐ every day from _____ to _____
 22 ☐ as directed by the Pretrial Services Office

23 ☒ **Home detention:** Defendant shall be restricted to his/her
 24 residence at all times except for: attorney visits; court
 25 appearances; case-related matters; court-ordered obligations; or
 26 other activities as pre-approved by the Pretrial Services Office
 27 or supervising officer, as well as:

- 28 ☐ employment ☒ religious services
☐ education
☒ medical, substance abuse, or mental health treatment

☐ Maintain residence at a halfway house or community

1 corrections center, as deemed necessary by the Pretrial Services
2 Office or supervising officer.

3 ☐ (30) **Other:** _____

4 ☐ (31) Defendant shall appear for a **status hearing** on _____ at
5 _____, before the undersigned.

6
7 DATED June 12, 2013.

8
9 S/ CYNTHIA IMBROGNO
10 UNITED STATES MAGISTRATE JUDGE
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